

* Appendix

-1428

Barman, Mike

From: Hanaman, Cathlene
Sent: Friday, March 21, 2003 4:15 PM
To: Barman, Mike
Subject: LRB-2381 Compile List

LRB-2381/1 was a compile (the compile list is in the electronic folder).

Also, -1729 was incorporated into that compile.
So those guts should go into the folder too.

Enter *Latest* Date to retrieve in This Inline Component → 01/01/2020

Leave this component in document if you wish to retrieve Bill Drafts

Leave this component in document if you wish to retrieve DOA Bill Drafts

Leave this component in document if you wish to retrieve Amendments

Leave this component in document if you wish to retrieve LFB Amendment Drafts

03-1423

03-1424

03-1425

03-1426

03-1427

03-1428

The "guts" for this draft
Where transferred to LRB-2381/1

03-24-2003 per MDK

2003 DRAFTING REQUEST

Bill

Received: **01/10/2003**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Steven Foti (608) 266-2401**

By/Representing: **Adam Raschka**

This file may be shown to any legislator: **NO**

Drafter: **mkunkel**

May Contact: **Pat Essie**

Addl. Drafters:

Subject: **Occupational Reg. - misc**

Extra Copies: **PJH**

Submit via email: **YES**

Requester's email: **Rep.Foti@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Continuing education for chiropractors

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							State
/P1	mkunkel 02/20/2003	csicilia 02/21/2003	jfrantze 02/21/2003		lemery 02/21/2003		State
/P2	mkunkel 03/19/2003	csicilia 03/19/2003	pgreensl 03/19/2003		sbasford 03/19/2003		

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

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Wanted: As time permits

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/?							State
/P1	mkunkel 02/20/2003	csicilia 02/21/2003	jfrantze 02/21/2003	3/19 pg/cph	lemery 02/21/2003		

FE Sent For:

1/p2 is 3/19
03

3/19
p8

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/?	mkunkel	PI cjs 2/21 03	2/21	2/21			

FE Sent For:

<END>

1428 (9)
MOK

Continuing Education

Definition

A program sponsor is the Wisconsin Chiropractic Association, the American Chiropractic Association, the International Chiropractic Association, a college of chiropractic approved by the board, or a college of medicine or osteopathy accredited by an agency recognized by the United States department of education. see 446.02(2)(b)

Sponsoring Organization Responsibilities

A sponsoring organization shall perform the following responsibilities

1. Select the instructor for the course. When a course instructor of the program is on the undergraduate or postgraduate faculty of a chiropractic college, the program sponsor shall provide written verification that the course instructor has been appointed in accordance with the accreditation standards of the council on chiropractic education and,
2. Establish the course objectives and,
3. Prepare course materials and,
4. Evaluate the subject matter prepared by the sponsor or the course instructor and,
5. Conduct a post-course evaluation and,
6. Provide attendance vouchers and,
7. Maintain transcripts and,
8. Perform all financial administration and,
9. Apply for approval of the course from the Chiropractic Examining Board and,
10. Proctor class attendance through the course instructor or an officer, director or employee of the sponsoring organization and,
11. Supplying a list of program attendees to the Chiropractic Examining Board in a manner prescribed by the board.

A program sponsor shall not delegate the performance of any of the activities specified in _____ except to another program sponsor. ✓

The Chiropractic Examining Board shall not approve a program from a program sponsor for continuing education credit for a period of two years if the program sponsor delegates or fails to perform any of the activities defined in _____.

The Chiropractic Examining Board shall develop a method for numerically identifying approved continuing education programs. Every chiropractor shall identify the continuing education programs he or she attended on a form approved by the board at the time of their license renewal.

The Department of Regulation & Licensing shall audit at least 25% of the license renewal applications to verify the chiropractor has fulfilled their continuing education requirement.

446.02(1)(b) Except as defined under _____, meets the requirements of continuing education for license renewal as the examining board may require. During the time between initial licensure and commencement of a full 2-year licensure period new licensees shall not be required to meet continuing education requirements. Any person who has not engaged in the practice of chiropractic for 2 years or more, while holding a valid license under this chapter, and desiring to engage in such practice, shall be required by the examining board to complete a continuing education course at a school of chiropractic approved by the examining board or pass a practical examination administered by the examining board or both.



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1428/P1

MDK:...

D-NOTE

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Tomorrow
Fri.
2/21
by 430pm

SAV

reger cat

1 AN ACT ~~relating to~~; relating to: continuing education for chiropractors.

Analysis by the Legislative Reference Bureau

Under current law, a chiropractor licensed by the Chiropractic Examining Board (board) must complete any continuing education that the board requires in order to renew his or her license, which must be renewed every ~~2~~ years. This bill creates additional requirements regarding continuing education.

Under the bill, the board must establish the minimum number of hours of continuing education courses that must be completed during the ~~2~~-year licensure period. As under current law, a chiropractor does not have to begin complying with continuing education requirements under the bill until the first ~~2~~-year licensure period beginning after he or she initially receives his or her license.

Also under the bill, only courses that are approved by the board may be used to satisfy the minimum hours required. The board may only approve a course if the organization that sponsors the course (sponsoring organization) satisfies certain requirements. The sponsoring organization must be the Wisconsin, American, or International Chiropractic Association, or an approved chiropractic, medical, or osteopathic college. Also, the sponsoring organization must carry out specified duties, including selecting the course instructor, preparing course materials, evaluating the course, maintaining transcripts, performing financial administration, proctoring attendance, providing attendance vouchers, and supplying a list of attendees to the board. The sponsoring organization is also allowed to delegate these duties to another organization. The board must withdraw or withhold approval from a sponsoring organization for a ~~2~~-year period if the sponsoring organization fails to carry out any of the duties, or if an organization to which a duty is delegated fails to carry out any of the duties.

The bill requires the board to periodically publish an updated list of approved courses. A chiropractor who applies to renew his or her license must identify the courses used to satisfy the minimum hour requirement on a form provided by the Department of Regulation and Licensing (DRL). The bill requires DRL to audit at least 25% of the renewal applications received during each 2-year licensure period to determine whether an applicant has attended the courses that he or she identifies on the form.

Finally, the bill allows the board to take disciplinary action against a licensed chiropractor who violates any state law or rule regulating chiropractors, including the continuing education requirements.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 446.02 (1) (b) of the statutes is amended to read:

2 446.02 (1) (b) Meets the requirements of continuing education for license
3 renewal ~~as the examining board may require under s. 446.025.~~ During the time
4 between initial licensure and commencement of a full 2-year licensure period new
5 licensees shall not be required to meet continuing education requirements. Any
6 person who has not engaged in the practice of chiropractic for 2 years or more, while
7 holding a valid license under this chapter, and desiring to engage in such practice,
8 shall be required by the examining board to complete a continuing education course
9 at a school of chiropractic approved by the examining board or pass a practical
10 examination administered by the examining board or both.

History: 1975 c. 39, 199, 383; 1977 c. 29, 418; 1979 c. 98, 162, 337; 1981 c. 380; 1991 a. 39; 1993 a. 31; 1995 a. 94, 166; 2001 a. 70.

11 **SECTION 2.** 446.02 (4) of the statutes is amended to read:

12 446.02 (4) The renewal date and renewal fee for all licenses granted by the
13 examining board are specified under s. 440.08 (2) (a). Except as provided in sub. (1)
14 (b), the examining board may not renew a license unless the applicant for renewal
15 identifies on a form provided by the department the continuing education courses

1 approved under s. 446.025 (2) that the applicant has completed to satisfy the
2 minimum number of hours required under s. 446.025 (1).

History: 1975 c. 39, 199, 383; 1977 c. 29, 418; 1979 c. 98, 162, 337; 1981 c. 380; 1991 a. 39; 1993 a. 31; 1995 a. 94, 166; 2001 a. 70.

3 **SECTION 3.** 446.025 of the statutes is created to read:

4 **446.025 Continuing education.** (1) The examining board shall specify the
5 minimum number of hours of continuing education courses that, except as provided
6 in s. 446.02 (1) (b), an applicant for renewal of a license *under this chapter* is required to complete during
7 a 2-year licensure period. Only courses approved by the examining board under sub.
8 (2) may be used to satisfy the hours required. The examining board shall periodically
9 publish updated lists of the courses that are approved under sub. (2).

10 (2) (a) The examining board may not approve a continuing education course
11 unless the organization that sponsors the course satisfies all of the following:

12 1. The organization is the Wisconsin, American, or International Chiropractic
13 Association or its successor, a college of chiropractic approved by the examining
14 board, or a college of medicine or osteopathy accredited by an accrediting body listed
15 as nationally recognized by the secretary of the federal department of education. ✓

16 2. The organization selects the instructor for the course. If the instructor is a
17 member of the undergraduate or postgraduate faculty of a college of chiropractic, the
18 organization shall provide a written statement to the examining board verifying that
19 the instructor has been appointed by the college in accordance with the accreditation
20 standards of the Council on Chiropractic Education or its successor. ✓

21 3. The organization establishes the objectives of the course, prepares course
22 materials, evaluates the subject matter prepared by the instructor, conducts a
23 post-course evaluation, maintains course transcripts, and performs financial
24 administration necessary for the course. ✓

1 4. The organization proctors course attendance through the instructor or an
2 officer, director, or employee of the organization.

3 5. The organization provides attendance vouchers to course attendees.

4 6. The organization supplies a list of course attendees to the examining board
5 in a manner prescribed by the examining board.

6 (b) Notwithstanding par. (a) ~~any~~ the examining board may approve a
7 continuing education course sponsored by an organization that does not satisfy a
8 requirement under par. (a) 2. to 5. if the organization delegates satisfaction of the
9 requirement to another organization and the other organization satisfies the
10 requirement. ✓

11 (3) If an organization that sponsors a course approved under sub. (2) fails to
12 satisfy any requirement under sub. (2) (a) 2. to 5., the examining board shall, for a
13 period of 2 years, withdraw or withhold approval of all continuing education courses
14 sponsored by the organization. If an organization to whom satisfaction of any
15 requirement under sub. (2) (a) 2. to 5. is delegated under sub. (2) (b) fails to satisfy
16 the requirement, the examining board shall, for a period of 2 years, withdraw or
17 withhold approval of all continuing education courses sponsored by the organization
18 that made the delegation. ✓

19 (4) During each 2-year licensure period, the department shall audit at least
20 25% of the applications for renewal of a license ^{under this chapter} to verify that an applicant has
21 completed the continuing education courses identified by the applicant under s.
22 446.02 (4). ✓

23 [^]
SECTION 4. 446.03 (8) of the statutes is created to read:

24 446.03 (8) Has violated this chapter or any rule promulgated under this
25 chapter. ✓

1 **SECTION 5. Initial applicability.**

2 (1) CONTINUING EDUCATION. If the effective date of this subsection is before
3 January 1, 2004, the treatment of sections 446.02 (1) (b) and (4) and 446.025 of the
4 statutes first applies to chiropractors whose licenses expire on January 1, 2005. If
5 the effective date of this subsection is on or after January 1, 2004, the treatment of
6 sections 446.02 (1) (b) and (4) and 446.025 of the statutes first applies to
7 chiropractors whose licenses expire on January 1, 2007. ✓

8 (2) DISCIPLINARY ACTIONS. The treatment of section 446.03 (8) of the statutes
9 first applies to violations occurring on the effective date of this subsection. ✓

10 **(END)**

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1428/P1dn

MDK/.....

9's

Representative Foti:

Please note the following about this draft:

1. The draft requires DRL, rather than the board, to provide forms for identifying continuing education courses. This approach is consistent with s. 446.02 (2) (a), stats. (referring to license forms provided by DRL). ✓
2. I don't think it's necessary to require the board to "numerically" identify the approved courses. However, is it sufficient to require the board to periodically publish updated lists of approved courses (see proposed s. 446.025 (1)), or do you want to be more specific, such as requiring publishing the approvals on the Internet? ✓
3. The reference to the federal department of education in proposed s. 446.025 (2) (a) 1. is based on current law. See s. 446.02 (2) (b), stats. ✓
4. Proposed s. 446.025 (2) (a) 2. refers to verification of a *college's* appointment of an instructor. Is that okay? ✓
5. I don't think it's necessary to specify that an organization must apply for approval. Also, I don't think it's necessary to require an organization to evaluate the subject matter that it prepares itself. ✓
6. Is proposed ^{two}s. 446.025 (3) okay? Note that an organization loses approval for all courses for a ~~2~~-year period if it makes a delegation to another organization that fails to meet a requirement. As a result, the organization that made the delegation loses approval for even those courses for which it has made delegations to other organizations that have not failed to meet the requirements. ✓
7. What happens if a person attends a course that is approved and approval is subsequently withdrawn by the board? As drafted, I think the person gets no credit for completing the course. Is that okay, or should the draft address this issue? ✓
8. I created proposed s. 446.03 (8) in order to give the board grounds for taking disciplinary action against a licensee that falsifies information regarding course attendance. It's possible that the board could act against such a licensee under current law, because s. 446.03 (1), stats., allows disciplinary action for obtaining a license through error or fraud. Let me know whether you think proposed s. 446.03 (8) is necessary. ✓

are

9. Please review the initial applicability provision, which is my attempt to give the board enough to time to approve courses and chiropractors enough time to attend courses that approved.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1428/P1dn
MDK:cjs:jf

February 21, 2003

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5. I don't think it's necessary to specify that an organization must apply for approval. Also, I don't think it's necessary to require an organization to evaluate the subject matter that it prepares itself.
6. Is proposed s. 446.025 (3) okay? Note that an organization loses approval for all courses for a two-year period if it makes a delegation to another organization that fails to meet a requirement. As a result, the organization that made the delegation loses approval for even those courses for which it has made delegations to other organizations that have not failed to meet the requirements.
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9. Please review the initial applicability provision, which is my attempt to give the board enough time to approve courses and chiropractors enough time to attend courses that are approved.

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February 21, 2003

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2. I don't think it's ^{OK} necessary to require ^{OK} the board to "numerically" identify the approved courses. However, is it sufficient to require the board to periodically publish updated lists of approved courses (see proposed s. 446.025 (1)), or do you want to be more specific, such as requiring publishing the approvals on the Internet? yes

3. The reference to the federal department of education in proposed s. 446.025 (2) (a) ~~1.~~ is based on current law. See s. 446.02 (2) (b), stats.

4. Proposed s. 446.025 (2) (a) 2. refers to verification of a college's appointment of an instructor. Is that okay? for university ✓

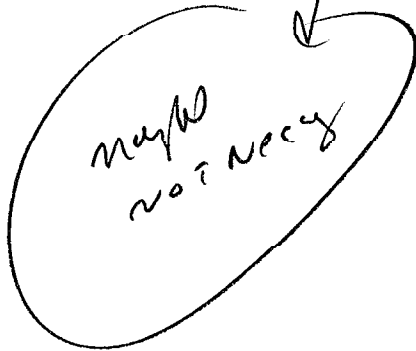
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7. What happens if a person attends a course that is approved and approval is subsequently withdrawn by the board? As drafted, I think the person gets no credit for completing the course. Is that okay, or should the draft address this issue? ^{OK}

8. I created proposed s. 446.03 (8) in order to give the board grounds for taking disciplinary action against a licensee that falsifies information regarding course attendance. It's possible that the board could act against such a licensee under current law, because s. 446.03 (1), stats., allows disciplinary action for obtaining a license through error or fraud. Let me know whether you think proposed s. 446.03 (8) is necessary. ORG WOULD NOTIFY APPROVED
no charges
Yes, it is necessary

9. Please review the initial applicability provision, which is my attempt to give the board enough time to approve courses and chiropractors enough time to attend courses that are approved. ~~the~~ BOARD ALREADY HAS PROCEEDED IN PLACE.



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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

OK WITH MODIFICATIONS

- 1 AN ACT *to amend* 446.02 (1) (b) and 446.02 (4); and *to create* 446.025 and 446.03
2 (8) of the statutes; **relating to:** continuing education for chiropractors.

Analysis by the Legislative Reference Bureau

Under current law, a chiropractor licensed by the Chiropractic Examining Board (board) must complete any continuing education that the board requires in order to renew his or her license, which must be renewed every two years. This bill creates additional requirements regarding continuing education.

Under the bill, the board must establish the minimum number of hours of continuing education courses that must be completed during the two-year licensure period. As under current law, a chiropractor does not have to begin complying with continuing education requirements under the bill until the first two-year licensure period beginning after he or she initially receives his or her license.

Also under the bill, only courses that are approved by the board may be used to satisfy the minimum hours required. The board may only approve a course if the organization that sponsors the course (sponsoring organization) satisfies certain requirements. The sponsoring organization must be the Wisconsin, American, or International Chiropractic Association, or an approved chiropractic, medical, or osteopathic college. Also, the sponsoring organization must carry out specified duties, including selecting the course instructor, preparing course materials, evaluating the course, maintaining transcripts, performing financial administration, proctoring attendance, providing attendance vouchers, and supplying a list of attendees to the board. The sponsoring organization is also allowed to delegate these duties to another organization. The board must withdraw

or withhold approval from a sponsoring organization for a two-year period if the sponsoring organization fails to carry out any of the duties, or if an organization to which a duty is delegated fails to carry out any of the duties.

The bill requires the board periodically to publish an updated list of approved courses. A chiropractor who applies to renew his or her license must identify the courses used to satisfy the minimum hour requirement on a form provided by the Department of Regulation and Licensing (DRL). The bill requires DRL to audit at least 25% of the renewal applications received during each two-year licensure period to determine whether an applicant has attended the courses that he or she identifies on the form.

Finally, the bill allows the board to take disciplinary action against a licensed chiropractor who violates any state law or rule regulating chiropractors, including the continuing education requirements.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 446.02 (1) (b) of the statutes is amended to read:

2 446.02 (1) (b) Meets the requirements of continuing education for license
3 renewal ~~as the examining board may require under s. 446.025.~~ During the time
4 between initial licensure and commencement of a full 2-year licensure period new
5 licensees shall not be required to meet continuing education requirements. Any
6 person who has not engaged in the practice of chiropractic for 2 years or more, while
7 holding a valid license under this chapter, and desiring to engage in such practice,
8 shall be required by the examining board to complete a continuing education course
9 at a school of chiropractic approved by the examining board or pass a practical
10 examination administered by the examining board or both.

11 **SECTION 2.** 446.02 (4) of the statutes is amended to read:

12 446.02 (4) The renewal date and renewal fee for all licenses granted by the
13 examining board are specified under s. 440.08 (2) (a). Except as provided in sub. (1)
14 (b), the examining board may not renew a license unless the applicant for renewal

1 identifies on a form provided by the department the continuing education courses
2 approved under s. 446.025 (2) that the applicant has completed to satisfy the
3 minimum number of hours required under s. 446.025 (1).

4 SECTION 3. 446.025 of the statutes is created to read:

5 **446.025 Continuing education. (1)** The examining board shall specify the
6 minimum number of hours of continuing education courses that, except as provided
7 in s. 446.02 (1) (b), an applicant for renewal of a license under this chapter is required
8 to complete during a 2-year licensure period. Only courses approved by the
9 examining board under sub. (2) may be used to satisfy the hours required. The
10 examining board shall periodically publish updated lists of the courses that are
11 approved under sub. (2).

12 **(2) (a)** The examining board may not approve a continuing education course
13 unless the organization that sponsors the course satisfies all of the following:

14 1. The organization is the Wisconsin, American, or International Chiropractic
15 Association or its successor, a college of chiropractic approved by the examining
16 board, or a college of medicine or osteopathy accredited by an accrediting body listed
17 as nationally recognized by the secretary of the federal department of education.

18 2. The organization selects the instructor for the course. If the instructor is a
19 member of the undergraduate or postgraduate faculty of a college of chiropractic, the
20 organization shall provide a written statement to the examining board verifying that
21 the instructor has been appointed by the college in accordance with the accreditation
22 standards of the Council on Chiropractic Education or its successor.

23 3. The organization establishes the objectives of the course, prepares course
24 materials, evaluates the subject matter prepared by the instructor, conducts a

1 post-course evaluation, maintains course transcripts, and performs financial
2 administration necessary for the course.

3 4. The organization proctors course attendance through the instructor or an
4 officer, director, or employee of the organization.

5 5. The organization provides attendance vouchers to course attendees.

6 6. The organization supplies a list of course attendees to the examining board
7 in a manner prescribed by the examining board.

8 (b) Notwithstanding par. (a), the examining board may approve a continuing
9 education course sponsored by an organization that does not satisfy a requirement
10 under par. (a) 2. to 5. if the organization delegates satisfaction of the requirement to
11 another organization and the other organization satisfies the requirement.

12 (3) If an organization that sponsors a course approved under sub. (2) fails to
13 satisfy any requirement under sub. (2) (a) 2. to 5., the examining board shall, for a
14 period of 2 years, withdraw or withhold approval of all continuing education courses
15 sponsored by the organization. If an organization to whom satisfaction of any
16 requirement under sub. (2) (a) 2. to 5. is delegated under sub. (2) (b) fails to satisfy
17 the requirement, the examining board shall, for a period of 2 years, withdraw or
18 withhold approval of all continuing education courses sponsored by the organization
19 that made the delegation.

20 (4) During each 2-year licensure period, the department shall audit at least
21 25% of the applications for renewal of a license under this chapter to verify that an
22 applicant has completed the continuing education courses identified by the applicant
23 under s. 446.02 (4).

24 **SECTION 4.** 446.03 (8) of the statutes is created to read:

1 446.03 (8) Has violated this chapter or any rule promulgated under this
2 chapter.

3 **SECTION 5. Initial applicability.**

SHOULD BE 30 DAYS AFTER ENACTMENT

4 (1) CONTINUING EDUCATION. If the effective date of this subsection is before
5 January 1, 2004, the treatment of sections 446.02 (1) (b) and (4) and 446.025 of the
6 statutes first applies to chiropractors whose licenses expire on January 1, 2005. If
7 the effective date of this subsection is on or after January 1, 2004, the treatment of
8 sections 446.02 (1) (b) and (4) and 446.025 of the statutes first applies to
9 chiropractors whose licenses expire on January 1, 2007.

10 (2) DISCIPLINARY ACTIONS. The treatment of section 446.03 (8) of the statutes
11 first applies to violations occurring on the effective date of this subsection.

12 (END)

del - 1 month

D-NOTE

Stays PM has been AMN

Today by 11:00pm

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA✓

Reagan cat

- 1 AN ACT *to amend* 446.02 (1) (b) and 446.02 (4); and *to create* 446.025 and 446.03
- 2 (8) of the statutes; **relating to:** continuing education for chiropractors.

Analysis by the Legislative Reference Bureau

Under current law, a chiropractor licensed by the Chiropractic Examining Board (board) must complete any continuing education that the board requires in order to renew his or her license, which must be renewed every two years. This bill creates additional requirements regarding continuing education.

Under the bill, the board must establish the minimum number of hours of continuing education courses that must be completed during the two-year licensure period. As under current law, a chiropractor does not have to begin complying with continuing education requirements under the bill until the first two-year licensure period beginning after he or she initially receives his or her license.

Also under the bill, only courses that are approved by the board may be used to satisfy the minimum hours required. The board may only approve a course if the organization that sponsors the course (sponsoring organization) satisfies certain requirements. The sponsoring organization must be the Wisconsin, American, or International Chiropractic Association, or an approved chiropractic, medical, or osteopathic college. Also, the sponsoring organization must carry out specified duties, including selecting the course instructor, preparing course materials, evaluating the course, maintaining transcripts, performing financial administration, proctoring attendance, providing attendance vouchers, and supplying a list of attendees to the board. The sponsoring organization is also allowed to delegate these duties to another organization. The board must withdraw

or university

or withhold approval from a sponsoring organization for a two-year period if the sponsoring organization fails to carry out any of the duties, or if an organization to which a duty is delegated fails to carry out any of the duties.

The bill requires the board periodically to publish an updated list of approved courses. A chiropractor who applies to renew his or her license must identify the courses used to satisfy the minimum hour requirement on a form provided by the Department of Regulation and Licensing (DRL). The bill requires DRL to audit at least 25% of the renewal applications received during each two-year licensure period to determine whether an applicant has attended the courses that he or she identifies on the form.

Finally, the bill allows the board to take disciplinary action against a licensed chiropractor who violates any state law or rule regulating chiropractors, including the continuing education requirements.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 446.02 (1) (b) of the statutes is amended to read:

2 446.02 (1) (b) Meets the requirements of continuing education for license
3 renewal as ~~the examining board may require~~ under s. 446.025. During the time
4 between initial licensure and commencement of a full 2-year licensure period new
5 licensees shall not be required to meet continuing education requirements. Any
6 person who has not engaged in the practice of chiropractic for 2 years or more, while
7 holding a valid license under this chapter, and desiring to engage in such practice,
8 shall be required by the examining board to complete a continuing education course
9 at a school of chiropractic approved by the examining board or pass a practical
10 examination administered by the examining board or both.

11 SECTION 2. 446.02 (4) of the statutes is amended to read:

12 446.02 (4) The renewal date and renewal fee for all licenses granted by the
13 examining board are specified under s. 440.08 (2) (a). Except as provided in sub. (1)
14 (b), the examining board may not renew a license unless the applicant for renewal

INSEAT 2-10

(INSERT 3-3)

1 identifies on a form provided by the department the continuing education courses
2 approved under s. 446.025 (2) that the applicant has completed to satisfy the
3 minimum number of hours required under s. 446.025 (1).

4 7 SECTION 3. 446.025 of the statutes is created to read:

5 **446.025 Continuing education.** (1) The examining board shall specify the
6 minimum number of hours of continuing education courses that, except as provided
7 in s. 446.02 (1) (b), an applicant for renewal of a license under this chapter is required
8 to complete during a 2-year licensure period. Only courses approved by the
9 examining board under sub. (2) may be used to satisfy the hours required. The
10 examining board shall periodically publish updated lists of the courses that are
11 approved under sub. (2).

12 (2) (a) The examining board may not approve a continuing education course
13 unless the organization that sponsors the course satisfies all of the following:

14 1. The organization is the Wisconsin, American, or International Chiropractic
15 Association or its successor, a college^{or university} of chiropractic approved by the examining
16 board, or a college^{or university} of medicine or osteopathy accredited by an accrediting body listed
17 as nationally recognized by the secretary of the federal department of education.

18 2. The organization selects the instructor for the course. If the instructor is a
19 member of the undergraduate or postgraduate faculty of a college^{or university} of chiropractic, the
20 organization shall provide a written statement to the examining board verifying that
21 the instructor has been appointed by the college^{or university} in accordance with the accreditation
22 standards of the Council on Chiropractic Education or its successor.

23 3. The organization establishes the objectives of the course, prepares course
24 materials, evaluates the subject matter prepared by the instructor, conducts a

1 post-course evaluation, maintains course transcripts, and performs financial
2 administration necessary for the course.

3 4. The organization proctors course attendance through the instructor or an
4 officer, director, or employee of the organization.

5 5. The organization provides attendance vouchers to course attendees.

6 6. The organization supplies a list of course attendees to the examining board
7 in a manner prescribed by the examining board.

8 (b) Notwithstanding par. (a), the examining board may approve a continuing
9 education course sponsored by an organization that does not satisfy a requirement
10 under par. (a) 2. to 5. if the organization delegates satisfaction of the requirement to
11 another organization and the other organization satisfies the requirement.

12 (3) If an organization that sponsors a course approved under sub. (2) fails to
13 satisfy any requirement under sub. (2) (a) 2. to 5., the examining board shall, for a
14 period of 2 years, withdraw or withhold approval of all continuing education courses
15 sponsored by the organization. If an organization to whom satisfaction of any
16 requirement under sub. (2) (a) 2. to 5. is delegated under sub. (2) (b) fails to satisfy
17 the requirement, the examining board shall, for a period of 2 years, withdraw or
18 withhold approval of all continuing education courses sponsored by the organization
19 that made the delegation.

20 (4) During each 2-year licensure period, the department shall audit at least
21 25% of the applications for renewal of a license under this chapter to verify that an
22 applicant has completed the continuing education courses identified by the applicant
23 under s. 446.02 (4).

24 SECTION 4. 446.03 (8) of the statutes is created to read:

446.03 (8) Has violated this chapter or any rule promulgated under this chapter.

SECTION 5. Initial applicability.

(1) CONTINUING EDUCATION. If the effective date of this subsection is before January 1, 2004, the treatment of sections 446.02 (1) (b) and (4) and 446.025 of the statutes first applies to chiropractors whose licenses expire on January 1, 2005. If the effective date of this subsection is on or after January 1, 2004, the treatment of sections 446.02 (1) (b) and (4) and 446.025 of the statutes first applies to chiropractors whose licenses expire on January 1, 2007.

(2) **DISCIPLINARY ACTIONS.** The treatment of section 446.03 (8) of the statutes first applies to violations occurring on the effective date of this subsection.

(END)

INSERT 5-11

**2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1428/P2ins
MDK:.....

✓ **INSERT 2-10:**

SECTION 1. 446.02 (2) (b) of the statutes is amended to read:

446.02 (2) (b) The examining board shall promulgate rules establishing educational requirements for obtaining a license under par. (a). The rules shall require that an application for the license that is received by the department after June 30, 1998, be accompanied by satisfactory evidence that the applicant has a bachelor's degree from a college or university accredited by an accrediting body listed as nationally recognized by the secretary of the federal department of education, and has graduated from a college or university of chiropractic approved by the examining board.

History: 1975 c. 39, 199, 383; 1977 c. 29, 418; 1979 c. 98, 162, 337; 1981 c. 380; 1991 a. 39; 1993 a. 31; 1995 a. 94, 166; 2001 a. 70.

✓ **INSERT 3-3:**

SECTION 2. 446.02 (9) (a) of the statutes is amended to read:

446.02 (9) (a) A student or graduate of a college or university of chiropractic who practices chiropractic, in a program for the clinical training of students and graduates that is reviewed and approved by the examining board, under the supervision of a chiropractor who is approved by the examining board to supervise the clinical training of the student or graduate and who is licensed under this chapter and is responsible for the student's or graduate's practice in an infirmary, clinic, hospital or private chiropractic office that is connected or associated for training purposes with a college or university of chiropractic approved by the examining board.

History: 1975 c. 39, 199, 383; 1977 c. 29, 418; 1979 c. 98, 162, 337; 1981 c. 380; 1991 a. 39; 1993 a. 31; 1995 a. 94, 166; 2001 a. 70.

INSERT 5-11:

SECTION 3. Effective date.

- 1 (1) This act takes effect on the first day of the 2nd month beginning after
- 2 publication.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1428/P2dn

MDK:/.....

gjs

Representative Foti:

This version is identical to the previous version, except for the following:

1. References to colleges of chiropractic are changed to also refer to universities of chiropractic.
2. The bill's effective date is delayed until the first day of the 2nd month after publication, which is approximately one month.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

(if not literally)

Also note that I retained the initial applicability provision. Although I understand that the examining board has rules similar to the bill's requirements, it's possible that the board could change the rules.

no
number

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1428/P2dn
MDK:cjs:pg

March 19, 2003

Representative Foti:

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Also note that I retained the initial applicability provision. Although I understand that the examining board has rules similar to the bill's requirements, it's possible (if not likely) that the board could change the rules.

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State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1428/P2

MDK:cjs:pg

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- 1 AN ACT *to amend* 446.02 (1) (b), 446.02 (2) (b), 446.02 (4) and 446.02 (9) (a); and
2 *to create* 446.025 and 446.03 (8) of the statutes; **relating to:** continuing
3 education for chiropractors.

Analysis by the Legislative Reference Bureau

Under current law, a chiropractor licensed by the Chiropractic Examining Board (board) must complete any continuing education that the board requires in order to renew his or her license, which must be renewed every two years. This bill creates additional requirements regarding continuing education.

Under the bill, the board must establish the minimum number of hours of continuing education courses that must be completed during the two-year licensure period. As under current law, a chiropractor does not have to begin complying with continuing education requirements under the bill until the first two-year licensure period beginning after he or she initially receives his or her license.

Also under the bill, only courses that are approved by the board may be used to satisfy the minimum hours required. The board may only approve a course if the organization that sponsors the course (sponsoring organization) satisfies certain requirements. The sponsoring organization must be the Wisconsin, American, or International Chiropractic Association, or an approved chiropractic, medical, or osteopathic college or university. Also, the sponsoring organization must carry out specified duties, including selecting the course instructor, preparing course materials, evaluating the course, maintaining transcripts, performing financial administration, proctoring attendance, providing attendance vouchers, and supplying a list of attendees to the board. The sponsoring organization is also

allowed to delegate these duties to another organization. The board must withdraw or withhold approval from a sponsoring organization for a two-year period if the sponsoring organization fails to carry out any of the duties, or if an organization to which a duty is delegated fails to carry out any of the duties.

The bill requires the board periodically to publish an updated list of approved courses. A chiropractor who applies to renew his or her license must identify the courses used to satisfy the minimum hour requirement on a form provided by the Department of Regulation and Licensing (DRL). The bill requires DRL to audit at least 25% of the renewal applications received during each two-year licensure period to determine whether an applicant has attended the courses that he or she identifies on the form.

Finally, the bill allows the board to take disciplinary action against a licensed chiropractor who violates any state law or rule regulating chiropractors, including the continuing education requirements.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 446.02 (1) (b) of the statutes is amended to read:

2 446.02 (1) (b) Meets the requirements of continuing education for license
3 renewal as ~~the examining board may require~~ under s. 446.025. During the time
4 between initial licensure and commencement of a full 2-year licensure period new
5 licensees shall not be required to meet continuing education requirements. Any
6 person who has not engaged in the practice of chiropractic for 2 years or more, while
7 holding a valid license under this chapter, and desiring to engage in such practice,
8 shall be required by the examining board to complete a continuing education course
9 at a school of chiropractic approved by the examining board or pass a practical
10 examination administered by the examining board or both.

11 **SECTION 2.** 446.02 (2) (b) of the statutes is amended to read:

12 446.02 (2) (b) The examining board shall promulgate rules establishing
13 educational requirements for obtaining a license under par. (a). The rules shall

1 require that an application for the license that is received by the department after
2 June 30, 1998, be accompanied by satisfactory evidence that the applicant has a
3 bachelor's degree from a college or university accredited by an accrediting body listed
4 as nationally recognized by the secretary of the federal department of education, and
5 has graduated from a college or university of chiropractic approved by the examining
6 board.

7 **SECTION 3.** 446.02 (4) of the statutes is amended to read:

8 446.02 (4) The renewal date and renewal fee for all licenses granted by the
9 examining board are specified under s. 440.08 (2) (a). Except as provided in sub. (1)
10 (b), the examining board may not renew a license unless the applicant for renewal
11 identifies on a form provided by the department the continuing education courses
12 approved under s. 446.025 (2) that the applicant has completed to satisfy the
13 minimum number of hours required under s. 446.025 (1).

14 **SECTION 4.** 446.02 (9) (a) of the statutes is amended to read:

15 446.02 (9) (a) A student or graduate of a college or university of chiropractic
16 who practices chiropractic, in a program for the clinical training of students and
17 graduates that is reviewed and approved by the examining board, under the
18 supervision of a chiropractor who is approved by the examining board to supervise
19 the clinical training of the student or graduate and who is licensed under this chapter
20 and is responsible for the student's or graduate's practice in an infirmary, clinic,
21 hospital or private chiropractic office that is connected or associated for training
22 purposes with a college or university of chiropractic approved by the examining
23 board.

24 **SECTION 5.** 446.025 of the statutes is created to read:

1 **446.025 Continuing education.** (1) The examining board shall specify the
2 minimum number of hours of continuing education courses that, except as provided
3 in s. 446.02 (1) (b), an applicant for renewal of a license under this chapter is required
4 to complete during a 2-year licensure period. Only courses approved by the
5 examining board under sub. (2) may be used to satisfy the hours required. The
6 examining board shall periodically publish updated lists of the courses that are
7 approved under sub. (2).

8 (2) (a) The examining board may not approve a continuing education course
9 unless the organization that sponsors the course satisfies all of the following:

10 1. The organization is the Wisconsin, American, or International Chiropractic
11 Association or its successor, a college or university of chiropractic approved by the
12 examining board, or a college or university of medicine or osteopathy accredited by
13 an accrediting body listed as nationally recognized by the secretary of the federal
14 department of education.

15 2. The organization selects the instructor for the course. If the instructor is a
16 member of the undergraduate or postgraduate faculty of a college or university of
17 chiropractic, the organization shall provide a written statement to the examining
18 board verifying that the instructor has been appointed by the college or university
19 in accordance with the accreditation standards of the Council on Chiropractic
20 Education or its successor.

21 3. The organization establishes the objectives of the course, prepares course
22 materials, evaluates the subject matter prepared by the instructor, conducts a
23 post-course evaluation, maintains course transcripts, and performs financial
24 administration necessary for the course.

1 4. The organization proctors course attendance through the instructor or an
2 officer, director, or employee of the organization.

3 5. The organization provides attendance vouchers to course attendees.

4 6. The organization supplies a list of course attendees to the examining board
5 in a manner prescribed by the examining board.

6 (b) Notwithstanding par. (a), the examining board may approve a continuing
7 education course sponsored by an organization that does not satisfy a requirement
8 under par. (a) 2. to 5. if the organization delegates satisfaction of the requirement to
9 another organization and the other organization satisfies the requirement.

10 (3) If an organization that sponsors a course approved under sub. (2) fails to
11 satisfy any requirement under sub. (2) (a) 2. to 5., the examining board shall, for a
12 period of 2 years, withdraw or withhold approval of all continuing education courses
13 sponsored by the organization. If an organization to whom satisfaction of any
14 requirement under sub. (2) (a) 2. to 5. is delegated under sub. (2) (b) fails to satisfy
15 the requirement, the examining board shall, for a period of 2 years, withdraw or
16 withhold approval of all continuing education courses sponsored by the organization
17 that made the delegation.

18 (4) During each 2-year licensure period, the department shall audit at least
19 25% of the applications for renewal of a license under this chapter to verify that an
20 applicant has completed the continuing education courses identified by the applicant
21 under s. 446.02 (4).

22 **SECTION 6.** 446.03 (8) of the statutes is created to read:

23 446.03 (8) Has violated this chapter or any rule promulgated under this
24 chapter.

25 **SECTION 7. Initial applicability.**

(1) CONTINUING EDUCATION. If the effective date of this subsection is before January 1, 2004, the treatment of sections 446.02 (1) (b) and (4) and 446.025 of the statutes first applies to chiropractors whose licenses expire on January 1, 2005. If the effective date of this subsection is on or after January 1, 2004, the treatment of sections 446.02 (1) (b) and (4) and 446.025 of the statutes first applies to chiropractors whose licenses expire on January 1, 2007.

(2) DISCIPLINARY ACTIONS. The treatment of section 446.03 (8) of the statutes first applies to violations occurring on the effective date of this subsection.

SECTION 8. Effective date.

(1) This act takes effect on the first day of the 2nd month beginning after publication.

(END)